IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 15026 of 2000(L)

PETITIONER:

MALANKARA SYRIAN CATHOLIC COLLEGES MANAGEMENT
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.KRISHNA RAJ
SRI.J.HARIKUMAR

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, THIRUVNANTHAPURAM.

2. UNIVERSITY OF KERALA, REPRESENTED BY ITS REGISTRAR, THIRUVANANTHAPURAM.

R2 BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,KERALA UTY.
R1 BY GOVT. PLEADER SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.24396 OF 2000 IN OP NO.15026 OF 2000 L

//DISMISSED//

15.06.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.15026 OF 1997

Dated this the 15th day of June, 2007

JUDGMENT

The writ petitioner is a minority institution. The issue raised is as to whether it is entitled to appoint a Principal of its choice in an aided college. The impugned regulations oblige the petitioner to appoint Principal following the rule of seniority. That could not stand in the light of series of decisions leading to the latest one in **Malankara Syrian Catholic College** v. **Jose** [2007(1) KLT 22 SC]. Under such circumstances, this writ petition is entitled to succeed.

In the result, the writ petition is allowed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.15026 OF 2000

JUDGMENT

15TH JUNE, 2007.

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